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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/821,143

04/07/2004

Shaolin Li

27592-00275-US6

8943

30678

7590

10/19/2009

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EXAMINER

HOLLIDAY, JAIME MICHELE

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

10/19/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/821,143</p>	<p>Applicant(s) LI, SHAOLIN</p>	
	<p>Examiner JAIME M. HOLLIDAY</p>	<p>Art Unit 2617</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 October 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617

Applicant basically argues that Jia fails to teach a multi-antenna signal processing circuit and that multiple antennas handle "data transmission in a second mode between said first access point and said second access point under a second channel transmission condition."

Examiner respectfully disagrees, because Jia clearly teaches that the baseband processor processes the digitized received signal to extract the information or data bits conveyed in the received signal, and multiple antennas and the replicated transmit and receive circuitries provide spatial diversity (second mode; second condition) [col. 3 line 67- col. 4 lines 6, 14-18, and 37-39], wherein the circuitry need to perform spatial diversity of the signals from the multiple antennas reads on the "multi-antenna signal processor).

Applicant further argues that in Rudrapatna the modes of processing of the signals are only applicable to the antenna array, not to processing of signals, and a multi-antenna signal processor does not mean the processor is an antenna.

Examiner respectfully disagrees, because it is known in the art that MIMO techniques use an antenna array coupled to a signal processing device (including transmission and reception circuitry) to simultaneously transmit and/or receive multiple distinct signals (paragraph 6). Further, the antenna array of Rudrapatna includes switches that process signals received by the antenna array (paragraph 26).

Applicant also argues that the Walton reference does not teach or suggest receiving "M independent RF modulated input signals from said second access point when the second channel transmission mode exists between the first access point and said second access point; multi-antenna signal processing circuit operates selectively with the first baseband processor to demodulate RF signals received in a channel from a second access point."

Examiner respectfully disagrees, because the Walton reference discloses that different transmission modes are associated with a different number (M) of antennas and different spatial processing is utilized at the transmitter and receiver ends (access points), which reads on "M independent RF modulated input signals from said second access point when the second channel transmission mode exists between the first access point and said second access point." Further, it is inherent that there is circuitry in access point to control the antennas, there when the signals are demodulated and processed, an element of circuitry is performing these function, which reads on "multi-antenna signal processing circuit operates selectively with the first baseband processor to demodulate RF signals received in a channel from a second access point." Also, since the Jia reference teaches that a secondary transmission condition is spatial diversity, and the antenna array of Walton performs spatial processing dependent on the channel conditions and the number of antennas of a transmitting device, a "second channel transmission mode exists between the first access point and said second access point." Since the claim language recites that the multi-antenna signal processing circuit operates together with the baseband processor to demodulate the signal, the combination of the circuitry of the antenna array (demodulator/receiver/processor) receiving the signal and further demodulating the signal teaches this feature. Applicant additionally argues that the secondary references fail to teach the claim elements discussed above. Examiner contends that the secondary references were incorporated to teach limitations of the depending claims, and not the above-mentioned limitations of the independent claims.

Therefore, in view of the preceding arguments, Examiner maintains previous prior art rejections.